HON'BLE SRI JUSTICE GOPALA KRISHNA TAMADA

W.P.Nos.26704, 26705, 26706, 26707 & 26795 of 2001 and 381, 386 and 387 of 2002

Dated:4th day of July, 2007

W.P.No.26704 of 2001

Between:

M/s.Sai Delux Prattipadu,
Rep. by P.Nagendramma, Guntur
and four others ..
Petitioners

and

The Films Division Ministry of Information
& Broadcasting, Govt. of India, rep. by its
Branch Manager, Gandhinagar, Vijayawada
and two others ..
Respondents

W.P.No.26705 of 2001

Between:

M/s.Tirumala Chitra Mandir Theatre,
Nizamabad, rep. by its Manager,
G.Madhusudan
and three others ..
Petitioners

and

The Films Division Ministry of Information
& Broadcasting, Govt. of India, rep. by its
Branch Manager, Gandhinagar, Vijayawada
and another ..
Respondents

W.P.No.26706 of 2001

Between:

M/s.Venkateswara Talkies,
Nidadavole, rep. by I.Vishnu Rao
and five others ..
Petitioners

and

The Films Division Ministry of Information
& Broadcasting, Govt. of India, rep. by its
Branch Manager, Gandhinagar, Vijayawada
and another ..
Respondents

W.P.No.26707 of 2001

Between:

M/s.Devi 70 MM,
Rep. by Md.Maqsood, Hyderabad
and six others ..
Petitioners

and

The Films Division Ministry of Information
& Broadcasting, Govt. of India, rep. by its
Branch Manager, Gandhinagar, Vijayawada
and another ..
Respondents

W.P.No.26795 of 2001

Between:

Shiva Shankar Picture Palace,
Khammam, rep. by B.Sampath Kumar
and another ..
Petitioners

and

The Joint Collector,
Khammam District, Khammam ..
Respondent

W.P.No.381 of 2002

Between:

M/s.Subhash Theatre,
Kamareddy, rep. by A.Krishna Rao ..
Petitioner

and

A.P. Transco, rep. by its
Superintendent Engineer (Assessment),
Warangal, Warangal District
and another ..
Respondents

W.P.No.386 of 2002

Between:

Sri Venkateshwara Theater,
Kondapalli,
rep. by P.Jaganmohan Rao
and two others ..
Petitioners

and

The Films Division Ministry of Information
& Broadcasting, Govt. of India, rep. by its
Branch Manager, Gandhinagar, Vijayawada
and two others ..
Respondents

W.P.No.387 of 2002

Between:

Sri Rama Talkies, Jagityal,
Rep. by Hari Venkata Ramana
and six others ..
Petitioners

and

The Films Division Ministry of Information

& Broadcasting, Govt. of India, rep. by its
Branch Manager, Gandhinagar, Vijayawada
and four others ..
Respondents

COMMON ORDER:

As the point involved in all the writ petitions is one and the same, these matters are taken up together for disposal by this common order.

Sri K. Durga Prasad, learned counsel for the petitioners, has fairly submitted that similar matters were already decided by a Division Bench of this Court in W.A.No.298 of 2001 and batch by a judgment dated 21.8.2001 wherein, the learned Judges decided the issue in question observing to the following effect:

> *"An agreement can be express or implied. If short films have been supplied to the appellants they would irrespective of the legal position be liable to pay the amount in question to the Films Division. Even if the conditions of the licence as contended by the appellants were found to be invalid, they would still be liable in terms of Sections 65 and 70 of the Indian Contract Act. In fact, on their own showing the appellants had also been paying the said amount after the decision of the Supreme Court. We, therefore, are of the opinion that the liability of the appellants has to be determined on resolution of the dispute as to whether short films had been supplied to them or not. Such dispute has to be determined in an appropriate forum and not in a writ proceeding. It is needless to say that the State cannot refuse to renew the cinematograph licences of the appellants unless conditions precedent therefore are not satisfied."*

Having perused the affidavits filed in support of the writ petitions, this Court is of the view that the issue in these matters is similar to the issue decided in the above-referred judgment, and the batch of these writ petitions can also be disposed of in the light of the aforementioned observations.

Accordingly, these writ petitions are disposed of. No costs.

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04.07.2007

bcj